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Anguilla

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I. General

1. Anguilla [1] is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. The Territory lies 240 kilometres east of Puerto Rico, 113 kilometres north-west of Saint Kitts and Nevis and 8 kilometres north of St. Maarten/St. Martin. The Territory has a relatively flat topography, a total area of 96 square kilometres and includes several offshore islets. The main island has a maximum length of 26 kilometres and a maximum width of 5 kilometres. The capital of Anguilla is The Valley, where 43 per cent of the population resides.

2. An estimate of July 2006 puts Anguilla's population at 13,477, with a population growth rate of 1.57 per cent.[2] There are several thousand Anguillians living abroad, in particular in the United Kingdom, the United States of America and the United States Virgin Islands. Of the total population, 99 per cent speaks English. Spanish or Chinese are the most common mother tongues among non-English speakers.

II. Constitutional, legal and political issues

3. Originally inhabited by the Arawaks, Anguilla was first colonized by British settlers in 1650. For administrative purposes, it was associated with Saint Kitts and Nevis from 1871 to 1980. Following the dissolution of the Federation of the West Indies in 1962, Saint Kitts-Nevis-Anguilla became a State in association with the United Kingdom. Following a number of demonstrations demanding secession from Saint Kitts and Nevis, in the referendum held in July 1967, the vote was 1,813 to 5 in favour of secession. Further demonstrations and protracted negotiations were followed by the intervention of British security forces in 1969 and the Anguilla Act of 1971, under which the United Kingdom reassumed direct responsibility for the administration of the Territory, appointed a Commissioner and provided for the establishment of an Island Council. A separate Constitution came into effect in February 1976. In 1980, at Anguilla's request, arrangements were made by the Government of the United Kingdom for the Territory to be withdrawn formally from the Associated State of Saint Kitts-Nevis-Anguilla and become a separate dependency of the United Kingdom.

4. In 1981 further constitutional talks between the Governments of Anguilla and the United Kingdom were held. Under a new Constitution, while not providing for a full measure of internal self-government, a substantial degree of additional local responsibility would be granted to the Government of Anguilla. The Anguilla House of Assembly approved the new Constitution and the United Kingdom enabled the Anguilla (Constitution) Order to come into force on 1 April 1982.[3]

5. According to the Anguilla Constitution Order, which was amended in 1990, the Government of Anguilla consists of a Governor, an Executive Council and a

[1] The information contained in the present working paper has been derived from published sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations.

[2] *CIA World Factbook*, 8 February 2007.

[3] See also A/AC.109/799.

House of Assembly. The Governor, who is appointed by the United Kingdom, is responsible for defence, external affairs, internal security, including the police, international financial services, public service appointments and the application to public servants of their terms and conditions of service. On all other matters, the Governor is required to consult with and act on the advice of the Executive Council. The Executive Council consists of the Chief Minister, not more than three other ministers and two ex officio members (the Attorney General and the Deputy Governor). The Governor acts as Chairman. The House of Assembly is elected for five-year terms. It comprises a Speaker, seven members elected from single-member constituencies, the same two ex officio members as in the Executive Council and two members nominated by the Governor, one of whom is appointed upon the advice of the Chief Minister and the other after consultation with the Chief Minister and the Leader of the Opposition, as appropriate.

6. Various amendments were made to the Constitution in subsequent years, the latest adopted in 1990.

7. A new Governor, Andrew N. George, replaced outgoing Governor Alan Huckle in July 2006.[4] Previously, he worked in the Human Resources Directorate of the Foreign and Commonwealth Office.[5]

8. The law of Anguilla is the common law of the United Kingdom, together with all legislation inherited from the former Associated State of Saint Kitts-Nevis-Anguilla up to August 1971 and local legislation enacted since that date. The law is administered by the Eastern Caribbean Supreme Court, which comprises a Court of Appeal and a High Court of Justice, courts of summary jurisdiction and magistrate courts, with final recourse to the United Kingdom Privy Council.[6]

9. In October 2006 the Governor appointed a Barbadian as new Attorney General, a post many in Anguilla would have wanted to see occupied by a local person. Earlier that year the vacancy of Deputy Governor had for the first time been filled by an Anguillian.[7] Besides being the Public Prosecutor, the Attorney General acts as the chief legal adviser to the territorial Government. The combination of these conceivably conflicting functions is under review.[8]

10. General elections, held on 21 February 2005, saw the return of the United Front Government, an alliance of the Anguilla Democratic Party and the Anguilla National Alliance, under Osbourne Fleming, with four seats. Shortly afterwards, an opposition member crossed the floor, giving the Government five out of seven elected members in the House of Assembly. The Anguilla Strategic Alliance and the Anguilla United Movement each won a seat. Given the even number of seats won by each opposition party, it was not possible for the Governor to appoint a Leader of the Opposition.[9] The next elections are due in 2010.

11. As previously reported, the basis of the relationship between the United Kingdom Government and its Non-Self-Governing Territories is set out in the White Paper, entitled "Partnership for Progress and Prosperity: Britain and the Overseas

[4] Information transmitted by the administering Power, 15 January 2007.
[5] www.anguillian.com, 2 December 2005.
[6] www.offshore.com.ai/anguilla/government.html.
[7] www.caribbeannetnews.com, 9 October 2006.
[8] www.anguillian.com, 6, 23 June; 17 October 2006.
[9] www.anguillian.com.

Territories", published in March 1999. The British Overseas Territories Act 2002, which came into force on 21 May 2002, abolished the terms "colony" and "dependent territory" and granted the right of British citizenship to "British Overseas Territory citizens".[10]

12. Taking into account the efforts of a Committee for Constitutional and Electoral Reform in 2001, which did not finish its work and made no recommendations for reform,[10] on 21 January 2006, the Governor established a Constitutional and Electoral Reform Commission to reinvigorate the constitutional review process. For its six-month working period, the Commission was chaired by retired Eastern Caribbean Supreme Court Justice Don Mitchell. Draft constitutional proposals were published, reviewed in public meetings, and formed the basis of the recommendations that the Commission presented in the report to the Governor in August 2006. The report also presented a set of recommendations to improve internal self-governance.[11]

13. According to its report, the Commission found that, generally, Anguillians were satisfied with the 1982 Constitution, which provides them with a large degree of autonomy, external (United Kingdom) forces for defence and overseas representation by the Foreign and Commonwealth Office. Furthermore, the report states that there is one small group in the Territory that favours independence.[12]

14. In January 2007 the former Chairman of the Commission criticized the decision by the territorial Government to amend the Constitution with regard to the renaming of "Police Force" to "Police Service" and establishing a "Police Service Commission" without public consultations while the Territory's constitutional review was under way.[13]

III. Budget

15. In Anguilla, the fiscal year corresponds to the calendar year.[14] In December 2006, the Minister of Finance presented the 2007 Budget to the House of Assembly under the theme "Building on our Successes". The Minister highlighted the areas where targets were achieved or surpassed within the fiscal plan. He further indicated that development must be sustainable in the long run and the areas where the Government planned to build on the successes achieved to date. For 2006, the Ministry of Finance registered a projected recurrent surplus of more than East Caribbean (EC) $30 million.[15]

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[10] See A/AC.109/2006/4.

[11] http://gov.ai/constitutional_reform2006.htm, "Anguilla Constitutional and Electoral Reform Commission Report", 25 August 2006.

[12] Ibid.

[13] www.anguillaguide.com, 2 February 2007; Government's Response To Police Bill Amendment, 23 January 2007, http://www.gov.ai/publicrelations/story.php?id=132.

[14] Caribbean Development Bank, Economics Department "Social and Economic Indicators 2005", April 2006.

[15] One East Caribbean dollar = 0.37736 United States dollar (Monday, 26 February 2007) with a fixed rate since 1976 of US$ = EC$ 2.7 (*CIA World Factbook*, 8 February 2007; http://www.oanda.com/convert/classic). Information transmitted by the administering Power, 9 January 2007; Budget Address 2007; http://www.gov.ai/2007Budget.htm, presented on 12 December 2006, p. 26.

16. The recurrent expenditure for 2007 is projected at EC$ 157.1 million and capital expenditure at EC$ 33.2 million, to be financed by recurrent revenue of EC$ 174.5 million and borrowing of up to EC$ 20 million.[16]

17. In 2002, the territorial Government began a programme putting aside money into reserves to achieve 90 days of recurrent expenditure by 2008. This was part of a joint agreement with the administering Power on borrowing guidelines. Under the programme, once the targets are maintained or exceeded, the prior approval of the United Kingdom Government will not be required for loans with a positive financial or economic rate of return.[17]

18. Despite the cessation of bilateral aid from the United Kingdom Department for International Development (DFID) in 2005, Anguilla can benefit from the DFID regional aid programme for the United Kingdom Overseas Territories in the Caribbean. According to the administering Power, Anguilla can also access funds of the European Development Fund, the United Nations Development Programme (UNDP), the Good Government Fund and Economic Diversification Programme Budget of the Foreign and Commonwealth Office, and the Foreign and Commonwealth Office/Department for International Development Overseas Territories Environmental Programme.[17]

19. On its part, the Caribbean Development Bank announced in 2006 a loan of US$ 5 million (EC$ 13.5 million) for the Anguilla Development Board, which finances agriculture, industry and commerce projects, medium and small enterprise projects, mortgage financing projects and student loans.[18]

IV. Economic conditions

A. General

20. In recent years, economic activity in Anguilla has steadily increased. According to the administering Power, gross domestic product (GDP) has grown at an average annual rate of 6.1 per cent during the five-year period 2001 to 2005. GDP for 2005 was EC$ 245.6 million, an increase of 10.9 per cent from EC$ 221.3 million in 2004. Per capita GDP for 2005 was estimated at EC$ 18,005 (approximately US$ 6,669).[17]

21. Tourism, including hotels and restaurants; banking and insurance; construction; and government services were the major contributors to economic activity, accounting for 31.9 per cent, 18.5 per cent, 14.3 per cent and 12.7 per cent, respectively, of GDP in 2005. GDP is projected to grow by 12 per cent in 2006, driven primarily by activity in the tourism and construction sectors as the US$ 500 million and US$ 250 million resort and residences projects approved in 2002 and 2004, respectively, continue their construction and opening of different parts of the projects.[17]

22. At the same time, inflation has risen over the past few years. Prices have increased at an average annual rate of 5.1 per cent during the period from 2003 to

[16] Information transmitted by the administering Power, 9 January 2007.

[17] Idem.

[18] www.anguillaguide.com, 27 October 2006.

2005. That compares with an average annual rate of growth of 3.1 per cent during the previous three-year period from 2000 to 2002. According to the administering Power, the territorial Government is aware of the need to monitor inflation and manage the economy so that inflation does not get out of control.[17] The inflation rate for consumer prices in 2006 was estimated to be 5.3 per cent.[2]

B. Tourism

23. Luxury tourism continues to dominate the Anguillian economy. According to the Territory's Ministry of Economic Development, Investment, Commerce and Tourism, Anguilla will continue its commitment to "low volume, high value" tourism.[19] Three major private sector projects are under construction.

24. In 2006 the number of visitor arrivals decreased from 143,186 in 2005 by 5 per cent to 136,693, of which 76,538 came from the United States, 11,349 from Caribbean countries, 6,165 from the United Kingdom, 5,997 from Canada, and approximately 16,000 from other European countries.[20] In 2006, the vast majority of visitors arrived by sea (109,212) with the remaining 27,481 coming by air.[20]

25. The marketing and promotional activities of the Anguilla Tourist Board and the Anguilla Hotel and Tourism Association are reported to have a positive impact on the industry. Anguilla has benefited from increased market awareness and media attention as an up-market tourism and honeymoon destination. There has also been a good reaction to the "Charming Escapes" programme, highlighting quality mid-market and budget accommodations on the island. Anguilla is developing an active real estate sector aligned to the new resort and residential tourism projects.[17]

C. Financial services

26. Anguilla entered the field of financial services relatively late and has a small international finance sector, specializing in trust and company registration. There are no income, estate or capital gains taxes.

27. In 2006, a total of 1,320 companies, classified as international business, overseas, new, limited liability and foreign companies, were registered in Anguilla. That constitutes a palpable decrease in comparison to the 2,170 companies registered in 2005.[21]

28. Anguilla's Financial Services Commission, established in 2004, is an independent regulatory body that focuses on licensing, supervision of licensees, monitoring of financial services in general, reviewing existing financial services legislation and making recommendations for new legislation, as well as maintaining contact with appropriate foreign and international regulatory authorities.

29. The Territory has in place effective anti-money-laundering legislation, including the Proceeds of Criminal Conduct Act, 2000; the Money Laundering Reporting Authority Act, 2000; the Anti-Money Laundering Regulations; the Guidance Notes on the Prevention of Money Laundering; and the Criminal Justice

[19] www.caribbeannetnews, 25 April 2006.

[20] www.gov.ai/statistics/Tourism_Oct_06.htm.

[21] www.gov.ai.com, Statistics.

Act. The Government of Anguilla reviewed and amended its Proceeds of Crime legislation and other areas of anti-money-laundering regulation to ensure compliance with the requirements of the international regulatory bodies, in particular the revised 40 recommendations of the Financial Action Task Force on Money Laundering, as well as the eight special recommendations on terrorist financing.[17]

30. According to the administering Power, Anguilla, along with the other United Kingdom Territories in the Caribbean, has agreed to implement the European Union Savings Tax Directive, which came into effect on 1 July 2005.

31. Moreover, Anguilla introduced in 2006 several pieces of new legislation in the finance area. They include a Private Foundations Act, which would add the concept of private foundations as an alternative to trusts; and a Netting Act to provide for the statutory enforceability of bilateral and multilateral netting or set-off provisions. In addition, an amendment to the International Business Companies Act 2000 to provide for regulations setting out obligatory custodial arrangements for bearer shares is expected to be made. Minor amendments are also expected to be made to the Trust Companies and Offshore Banking Act 2000, Company Management Act 2000, and the Insurance Act 2004.[17]

D. Agriculture and fishery

32. Agricultural activity in Anguilla is limited owing to a combination of poor soil and irregular rainfall. Nevertheless, agriculture continues to play an important part in the livelihood of the local people. In 2005, agriculture, including fishing, crops and livestock, contributed about 2.6 per cent to the GDP of the Territory.[17]

33. In response to demand for vegetables in the tourism sector and the increasing number of retail outlets, a growing number of small farmers have invested in drip irrigation technology for intensive farming, including the Rudolph Gumbs (Blacks) Vegetable Production project, comprising 11 farmers on 6 acres of land. According to the administering Power, an active Farmers' Association is cooperating with government technical officers to increase production of green vegetables and reduce the island's food import bill.[17]

34. Anguilla's fisheries and marine resources hold the potential for the diversification of the tourism-dependent economy. Studies have shown that deep-sea fishing resources in the Anguilla 200-mile exclusive economic zone can be sustainably harnessed to satisfy markets locally and regionally.[17]

35. The Government continues to roll out the implementation of plans for institutional strengthening and human resource development in order to effectively manage the fisheries and other marine resources of the island. The Marine Parks Project which commenced in July 2005 was funded by the National Fish and Wildlife Foundation and National Oceanic and Atmospheric Administration. It is expected to be completed in early 2007.[17]

E. Infrastructure

36. The improvement of roads and the sea ports continued in 2006. New jetties are being constructed at Blowing Point to facilitate the safe movement of passengers

between Blowing Point and St. Martin. The construction of a modern container port is being studied in the context of a master plan drawn up for the Corito area.

37. Furthermore, the improvements at the Wallblake Airport continued to enhance tourism for Anguilla. Aircraft movements, especially in the private jet sector, continued to increase in 2006, creating the need for a larger parking apron for the airport.[17] Following the extension of the runway of Wallblake Airport, in 2005, there were over 500 private/corporate jet landings, and Anguilla began to function as a hub airport for those wishing to travel to St. Barts.

38. According to the administering Power, capital expenditure on the air transport sector over EC$ 10 million is anticipated by the end of 2006, as the Government continues with the implementation of its Medium-Term Air Transport Sector Plan, covering the period 2004 to 2008. The Plan has been endorsed by the European Union, which has pledged €9.09 million (approximately US$ 11.7 million) in support under the European Development Fund, the EDF-9 programme. The proceeds will be used to partly repay the US$ 15 million which the Government borrowed to undertake the runway, terminal and associated expansion in 2004. On 28 November 2006, the first tranche of the funds was received — some US$ 4.5 million. In the longer term, the territorial Government plans a further upgrade to the airport terminal, and creation of an airport authority.[17]

39. Anguilla has approximately 150 kilometres of roads, of which 80 kilometres are paved. According to the administering Power, the government road improvement programme continues to be a priority of the capital budget. In 2006, work began on the resurfacing of 18 kilometres of paved road, which should be completed in early 2007. For the completion of the redevelopment of the main arterial road through the eastern end of the island and the construction of North Hill to Sachasses Road,[17] US$ 7 million in funds have been provided.

40. Investments of close to EC$ 10 million are expected to be spent in 2007 on road development and related improvements.[22]

F. Communications and utilities

41. Anguilla has a modern internal telephone system and a microwave relay to St. Maarten/St. Martin for international calls, with competition in mobile, land line and internet services. According to the administering Power, through an international recruitment process, the Government of Anguilla selected an Executive Director for the Public Utilities Commission, which regulates the sector whose operations are funded by levies on the regulated sectors. Eventually the regulation of the Electricity and Water Sectors will also be brought under the Public Utilities Commission.

42. The territorial Government is implementing the new Water Corporation Act for 2007, which would eventually be regulated by the Public Utilities Commission. The Anguilla Electricity Company purchased two new 5-megawatt generators, which ensures an improved power supply to its customers.[17]

[22] Budget Address 2007; http://www.gov.ai/2007Budget.htm, presented on 12 December 2006, p. 25.

V. Social conditions

A. General

43. Living standards and social indicators in Anguilla compare favourably with those of other countries in the region. The literacy rate is 95 per cent. In 2006, the life expectancy at birth for females was 80.3 years and 74.4 years for males.[2]

44. Anguilla has had a social security scheme since 1982. In 2004, the Government announced plans to introduce a levy to establish a National Health Insurance scheme and legislation is being drafted for enactment in 2007.[17] According to the territorial Government's 2007 budget address, the new insurance will be introduced from 1 July 2007 which is an approximate delay of one year.[23]

45. Financing of three main development projects is envisaged for 2007, the National Community College, a Juvenile Centre, and the relocation and development of a prison.[23]

B. Education

46. Education in Anguilla is free and compulsory between the ages of 5 and 17 delivered through a system from the pre-primary to the post secondary level.[17]

47. There are 11 private preschools in Anguilla, of which 10 are subsidized by the Government for children between the ages of three and five. According to the administering Power, enrolment stands at 412. Children between the ages of 5 and 12 attend primary school. There are six public and two private primary schools, one of which is being assisted. Special education services are provided at centres attached to two of the larger primary schools. Present enrolment in the primary sector is 1,557.[17]

48. Secondary education in Anguilla is provided at two campuses of the only secondary educational institution on Anguilla, the Albena Lake-Hodge Comprehensive School. According to the administering Power, alternative skills programmes are offered at the refurbished old hospital and a Pupil Referral Unit has been established at another site. There are some 1,055 students currently enrolled at the school.[17]

49. The Adult and Continuing Education Unit of the Department of Education and the University of the West Indies Distance Education Centre provide tertiary education in Anguilla, primary and secondary teacher-training and basic skills training. The University of the West Indies extension campus in Anguilla offers a range of distance education programmes based on the system at the University of the West Indies. According to the administering Power, the establishment of a National Community College will continue to be a priority in 2007 as the island responds to the increasing shortage of skilled personnel in the critical hospitality and construction sectors. A Community College Implementation Unit with its own human and other resources was set up in the latter part of 2006. The focus will be the search for a permanent site and accessing the required capital funding.[17]

[23] Idem, p. 26.

50. The United Kingdom announced that citizens from the Overseas Territories will benefit beginning 2007 from the home student fee rate at English universities.[24]

C. Public health

51. There are five health centres in the island's three health districts. The territorial Government's health priorities, set out in the strategic plan for health for 2003-2008, include the continued strengthening of primary and secondary health-care services; development of the Health Protection and Quality Assurance Department of the Ministry of Health, which includes environmental health, water quality monitoring, solid waste disposal services and the regulation of public and private health services; expansion of mental health and psychiatric services; care of the elderly; prevention and treatment of HIV/AIDS and other communicable and non-communicable diseases.[17]

52. Under the 2007 budget, provisions to the Health Authority increased by 12 per cent, from EC$ 15.2 million in 2006 to EC$ 17 million in 2007.[25]

53. The Board of the Health Authority of Anguilla, installed in December 2003, took over responsibility for all primary, secondary and personal health-care services in January 2004. The Ministry of Social Development is charged with regulating and monitoring public and private health sectors, including the Health Authority of Anguilla, performing policy-making, regulatory and purchasing roles as it relates to health services.[17]

54. In July 2006, the Health Authority of Anguilla signed a letter of agreement with the Pan American Health Organization, involving a grant of US$ 10,000 to support the Authority's activities relating to the accreditation of the health services until the end of 2006.[26]

55. Expenditure on health services, including regulation and protection, accounts for approximately 15 per cent of the recurrent expenditure estimates.

D. Crime

56. The crime rate in Anguilla is low by regional and international standards, but growing. Steps continue to be taken to counter the trend. For instance, according to the administering Power, in March 2006 a task force was established to deal specifically with drugs and firearms. Subsequently, the detection rate and seizure of drugs and firearms increased significantly. Seven firearms were seized, together with a large quantity of ammunition and about 300 kilograms of cannabis. In 2006, the trend towards a rising number of firearm incidents was reversed. The number fell from 16 in 2005 and 11 in 2004 to 7 in 2006. Moreover, the computerization of police headquarters was completed in 2006.[17]

57. Law enforcement officials from a number of Caribbean territories attended an annual conference which facilitates discussion on law enforcement matters for

[24] www.fco.gov.uk, 23 November 2006, Lord Triesman, Overseas Territories Minister, eighth meeting of the Overseas Territories Consultative Council (OTCC) on 21 and 22 November.

[25] Budget Address 2007; http:www.gov.ai/2007Budget.htm, presented on 12 December 2006, p. 23.

[26] www.anguillaguide.com, 20 July 2006.

United Kingdom Overseas Territories in Anguilla in April 2006. Among the topics were a unified approach to crime prevention, witness protection, drug trafficking threats, immigration and customs enforcement, regional and international cooperation to fight crime, and recruitment and retention of law enforcement personnel.[19]

58. In September 2006, the territorial Government and the Foreign and Commonwealth Office agreed to extend the secondment of three retired United Kingdom police officers to the Drugs and Firearms Task Force of the Royal Anguilla Police until March 2007. They played an important role in reducing violent and drug-related crime.[27]

59. In February 2007 a conference combining meetings of United Kingdom Overseas Territories Law Enforcement officials and attorney generals and their counterparts from Anguilla and the region met in Grand Cayman to tackle the issue of security in the region. The topics discussed included witness protection, judicial sentencing, deoxyribonucleic acid (DNA) technology and money-laundering.[28]

VI. Relations with international organizations and partners

60. Anguilla is a member of the Eastern Caribbean Central Bank and an associate member of the Organization of Eastern Caribbean States, the Association of Caribbean States, the Economic Commission for Latin America and the Caribbean and the Caribbean Community and Common Market.

61. As a Non-Self-Governing Territory of the United Kingdom, Anguilla is associated with the European Union but not a part of it. The Territory has yet to establish its relation to the European Union's Economic Partnership Agreement.[29]

62. At the Overseas Territories Consultative Council meeting held in London on 21 and 22 November 2006, the United Kingdom and the Overseas Territories represented, including Anguilla, inter alia agreed in principle that the United Nations Convention against Corruption would be extended to the Overseas Territories at the earliest opportunity.[30]

63. Information on United Nations system activities involving Anguilla, including on the applicability of the International Labour Organization Conventions and Recommendations, is contained in the report of the President of the Economic and Social Council on consultations with the Special Committee (E/2006/47).

[27] www.gov.ai.com, Public relations, 14 September 2006.

[28] www.anguillanews.com, 15 February 2007.

[29] See European Union publication entitled "European Union-Caribbean Economic Partnership Agreement", 2006, p. 13.

[30] http://www.fco.gov.uk, 23 November 2006 (The British Virgin Islands had already agreed to this and all the other territories had signified their agreement in principle).

VII. Future status of the Territory

A. Position of the territorial Government

64. Developments on constitutional and electoral reform efforts involving the future status of Anguilla are referred to in chapter II, "Constitutional, legal and political issues".

B. Position of the administering Power

65. In a statement made on 24 April 2006 while visiting the Turks and Caicos Islands, the Overseas Territories Minister Lord Triesman took stock of the relationship between the United Kingdom and the Overseas Territories seven years after the 1999 White Paper,[31] and reiterated the United Kingdom's approach as follows:

> "As the White Paper made clear, the United Kingdom will always be ready to help any territory become independent where this is an option, and if that is the clear and settled will of the people. The United Kingdom has no desire for any territory to remain British against its people's wishes. We have no continuing colonial objectives.
>
> "However, if the people of a territory wish to retain the British link, then the United Kingdom will continue to honour its responsibilities for it. But I am, and I should be, answerable to the United Kingdom Parliament for the Territories. As long as the United Kingdom retains those responsibilities, it needs to be in a position where it can discharge them properly. And that means that the United Kingdom needs to retain a sufficient level of powers to do this.
>
> "In this process, the Governor, who also represents the Territory to the United Kingdom Government, has a vital role. He or she must ensure, in partnership with the territory Government, that high standards are maintained in key areas such as the public service, the police, the judiciary, finance, aviation and maritime security — indeed security generally — and human rights, in the interests of the peoples of the Territory as a whole.
>
> "In this context, it might be helpful if I set out the United Kingdom position on alternative forms of relationship, some of which I know have been discussed here in the Turks and Caicos Islands in recent weeks. United Nations General Assembly resolution 1541 (XV) set out some options for the relationship between administering Powers and Territories, including independence, integration and free association. The United Kingdom did not vote in favour of that resolution, and does not regard itself as bound by it. Integration would mean the Turks and Caicos Islands or any of the other Territories becoming a full part of the United Kingdom, like the Isle of Wight. It would mean that the people of the Territory would have to pay United Kingdom taxes. And United Kingdom policy would apply in areas that have traditionally been the responsibility of the territory Government — for example education and health.

[31] "Partnership for Progress and Prosperity: Britain and the Overseas Territories", White Paper submitted to the House of Commons on 17 March 1999 by the United Kingdom Secretary of State for Foreign and Commonwealth Affairs; reproduced in A/AC.109/1999/1, annex.

> "I do not believe that this is an option that would find favour in the Territories. Nor does it in the United Kingdom. The option of free association is also unacceptable. As defined by the United Nations, it would mean the Territory drawing up its Constitution free from any outside involvement. The United Kingdom would retain all the responsibilities for the Territory, but would not be able to ensure that it had the powers to enable it to fulfil these responsibilities. Ministers answerable to government in Westminster cannot, and should not, put themselves in that position. So our aim is to work for a relationship with the territory Government which satisfies the needs of both sides."[32]

66. Moreover, in a statement before the Special Political and Decolonization Committee (Fourth Committee) during the sixty-first session of the General Assembly, held on 5 October 2006, the representative of the United Kingdom said that the criteria used by the Special Committee of 24 in its deliberation on whether a Non-Self-Governing-Territory should be "delisted" were outdated and failed to take account of the way that relationships between the United Kingdom and its Overseas Territories had been modernized, in a way that was acceptable to both parties.[33]

67. In a communication dated 9 January 2007, the administering Power provided the information set out below:

> "Following the publication of the 1999 White Paper on the Overseas Territories, the United Kingdom Government instigated a series of constitutional reviews in the Overseas Territories. The aim is for each Overseas Territory to consider its constitution and, after full public consultation, to make proposals for change to the United Kingdom Government, which would then be considered. The 1999 White Paper made it clear that, whilst there was no pressure from the United Kingdom Government for the Overseas Territories to move towards independence, the United Kingdom Government would not stand in the way of any Overseas Territory becoming independent, where this is an option (i.e., not in the case of Gibraltar), if that is the freely expressed wish of its people. This complies with the principle of self-determination set out in article I of the International Covenant on Civil and Political Rights.
>
> "But United Kingdom Ministers have made it clear that as long as the Territories wish to retain links with the United Kingdom, the United Kingdom Government will retain sufficient powers, including through the Governor, to ensure the implementation of international obligations, to protect itself against contingent liabilities, and to ensure the good governance of the Territory, including maintaining the independence of the judiciary, the administration of justice and the political impartiality of the public service.
>
> "This approach is consistent with the 1999 White Paper, which recognized that, in modernizing any constitution, account should be taken of the mutual obligations and responsibilities involved in the partnership between the United Kingdom and the Overseas Territories.

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[32] "A Successful Future", Lord Triesman Speech, Turks and Caicos Islands, 24 April 2006 (www.fco.gov.uk).

[33] Information transmitted by the administering Power, 15 January 2007; see also A/C.4/61/SR.5.

"As for 'free association', the United Kingdom Government has indicated that it would not be possible to resurrect the system of full internal self-government that applied in the West Indies Associated States, established by the West Indies Act in 1967. This was an arrangement put in place when it was expected that the Associated States would move to independence (as in the case of the Bermuda Constitution). In the modern environment when the United Kingdom's contingent liabilities in the Overseas Territories are much greater, the United Kingdom Government cannot be held to be responsible internationally for the Overseas Territories without the capacity of intervening to ensure good governance when things go wrong.

"The key, therefore, in the Constitutional Reviews is, as long as the Overseas Territories choose to retain their link with the United Kingdom, to try to reconcile the Overseas Territories' wish for greater self-government with the United Kingdom's overall responsibility for the Overseas Territories' good governance and compliance with international obligations. This will be the issue for discussion and negotiation between Anguilla and the United Kingdom when Anguilla presents its proposals for constitutional and electoral reform in due course. In the meantime, the United Kingdom Government's overall objectives towards the Overseas Territories are to maintain their security, prosperity and good governance."[17]

C. Action by the General Assembly

68. On 14 December 2006, the General Assembly adopted by a vote of 173 to none, with four abstentions, resolutions 61/128 A and B; section II of resolution 61/128 B concerns Anguilla.